

REMARKS

Summary of patentability issue

Amended independent Claims 1, 7, 10, and 13 recite at least one feature not disclosed or suggested by the patent to Matsushita. Therefore, is the outstanding rejection of these claims over this patent still proper?

Status of the claims

Claims 1-21 are pending. Claims 1-5, 7, 10, 13, 14, and 17 have been amended and Claims 19-21 have been added. Claims 1, 5, 7, 10, 11, 13, and 19-21 are independent.

Requested action

Applicant respectfully requests the Examiner to reconsider and withdraw the outstanding objection and rejection in view of the foregoing amendments and the following remarks.

Request for Clarification

The cover page of the Office Action states that Claim 5 is rejected, but paragraphs 5 and 6 of the Office Action at page 3 state that Claim 5 is allowable. Therefore, Applicant respectfully requests that the Examiner clarify the status of Claim 5. For the purposes of this Amendment, Applicant assumes that Claim 5 contains allowable subject matter.

Allowable subject matter

Applicant gratefully acknowledges the allowance of Claims 11 and 12 and the indication that Claims 5, 6, 15, and 17 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant has redrafted allowable Claim 5 in independent form and Applicant has redrafted allowable Claim 15 in independent form as new independent Claims 19-21. Therefore, Applicant respectfully requests that these claims now be allowed.

Claim objections

Claims 1, 7, 10, and 13 are objected to because of minor informalities therein and the Examiner makes specific suggestions for overcoming the objections. In response, while not conceding the propriety of the objections, Applicant has amended these claims to adopt the Examiner's suggestions, thereby obviating the objections.

Substantive rejection

Claims 1-4, 7-10, and 13-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. 11-006809 (Matsushita).

Response to rejection

In response, while not conceding the propriety of the rejection, independent Claims 1, 7, 10, and 13 have been amended. Applicant submits that as amended, these claims are allowable for the following reasons.

Independent Claim 1 relates to an apparatus for indicating the history of the environmental conditions of the environment in which the apparatus is used before a unit thereof is reconditioned for reuse to permit a determination of the level of deterioration of a recoverable

and reusable unit of the apparatus and a determination of whether the recoverable and reusable unit can be recovered and reused. The apparatus comprises a recoverable and reusable unit performing a function independent of determining the degree of deterioration of the recoverable and reusable unit, which is recoverable and reusable after use of the unit and the apparatus in the environment, depending on the level of deterioration of the unit, which depends on the history of environmental conditions of the environment in which the apparatus was used.

Claim 1 has been amended to recite environmental history indicator means for indicating the degree of deterioration of the recoverable and reusable unit before the unit is reconditioned for reuse in accordance with the history of conditions in the environment in which the apparatus was used. The environmental history indicator means is disposed inside the apparatus. In addition, the environmental history indicator means has a property variable in accordance with the history of the conditions in the environment in which the apparatus was used, and the environmental history indicator means is arranged so as not to participate in any functions of the apparatus during use of the apparatus. Further, the environmental history indicator means determines the degree of deterioration of the recoverable and reusable unit before the unit is reconditioned for reuse by permitting a determination of the value of the property thereof, variable in accordance with the history of conditions in the environment in which the apparatus was used. Moreover, the environmental history indicator means maintains the state of deterioration of the property.

Similarly, independent Claims 7 and 10 have been amended to recite, in part, environmental history indicator means for indicating the degree of deterioration of the recoverable and reusable unit before the unit is reconditioned for reuse in accordance with the history of conditions in the environment in which the apparatus was used, while independent

Claim 13 has been amended to recite environmental history indicator means for indicating the degree of deterioration of a lens unit before the lens unit is reconditioned for reuse in accordance with the history of conditions in the environment in which the lens unit was used.

In contrast, the patent to Matsushita is not understood to disclose or suggest environmental history indicator means for indicating the degree of deterioration of the recoverable and reusable unit before the unit is reconditioned for reuse in accordance with the history of conditions in the environment in which the apparatus was used, as recited by amended independent Claims 1, 7, or 10, or environmental history indicator means for indicating the degree of deterioration of a lens unit before the lens unit is reconditioned for reuse in accordance with the history of conditions in the environment in which the lens unit was used, as recited by amended independent Claim 13. Therefore, independent Claims 1, 7, 10, and 13 are allowable over the Matsushita patent.

Rather, the English Abstract of the Matsushita patent supplied by the Examiner merely discloses a moisture sensitivity film 4 for electronic equipment, such as a VCR or video camera. There is no disclosure in the English Abstract that the film 4 indicates the degree of deterioration of a recoverable and reusable unit or a lens unit before the unit is reconditioned for reuse in accordance with the history of conditions in the environment in which the apparatus, as recited by amended independent Claims 1, 7, 10, and 13. Nor is there any disclosure in the English Abstract that the film 4 has a property variable in accordance with the history of the conditions in the environment in which the electronic equipment is used or in accordance with an environmental history of use of the apparatus, as also required by independent Claims 1, 7, 10, and 13.

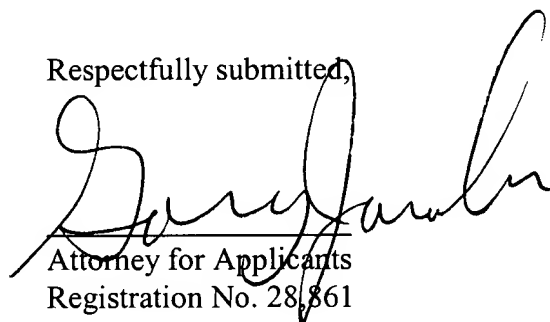
The Office Action states that the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. But this argument is inapplicable here because independent Claims 1, 7, 10, and 13 now recite environmental history indicator means, and the Office cannot reject this feature under 35 U.S.C. § 102 unless it cites art disclosing the function recited thereby, since these claims now use “means-plus-function” language. And since the Office has not cited art disclosing the functions for the environmental history indicator means recited by Claims 1, 7, 10, and 13, the rejection of these claims should be withdrawn.

The dependent claims are allowable for the reasons given for the independent claims and because they recite features that are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

In view of the above amendments and remarks, the claims are now in allowable form. Therefore, early passage to issue is respectfully solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants
Registration No. 28,861

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile No.: (212) 218-2200
DC Main #145622